SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE THE POTENTIAL DESIGNATION OF ONE OR MORE DREDGED MATERIAL DISPOSAL SITES IN EASTERN LONG ISLAND SOUND

May 25, 2016
1:00 p.m.
103 First St.
Riverhead, NY 11901

S P E A K E R S:

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NOTE = Please also use Line 1 for text on each page in the document. It can't be blank. Thanks.

[HEARING WAS CALLED TO ORDER AT 1:00 P.M.]

DR. HAY: Good afternoon, everyone. Welcome to the public hearing. Before we start, a couple of housekeeping measures. The bathroom is to the right in the hallway, about thirty feet down the hallway. Both ladies room and men's room are at the same location. Also, if you can turn off your cellphone, or put it on vibrate, I'd appreciate it.

My name is Bernward Hay. I'm with the Louis Berger Group. This hearing ~~hear~~ here is held to solicit comments on the draft ~~we're~~ rule making designating the Eastern Long Island Sound disposal site, and on the draft supplemental environmental impact statement. It's also abbreviated SEIS, as you'll see on several slides.

The SEIS is ~~going~~ designed to serve the Eastern Long Island region, in Connecticut and New York. The lead Federal Agency is the Environmental Protection Agency. EPA is requesting written comments from the public on the draft SEIS. This document is publicly available at this

time on the EPA's Region 1 website. So, feel free to look it up there.

In addition to the public hearing there will be a second hearing this evening in Mattituck. There will be two additional hearings tomorrow in Groton, CT. The comment period for the SEIS ends on June 27th, and comments can also be sent to the address, ELIS@EPA.GOV. You'll see that later on a slide again, until midnight of the 27th of June. EPA and other agencies will present information about the project during this hearing in the next hour, until about 2:00 p.m.

After the presentations have been completed, the floor will then be open for comments until about 3:00. If you wish to speak, I ask you to sign in at the registration desk outside of the room. When registering to speak, please provide your contact information, also your affiliation. Speakers will be heard in the order that they registered. I think we have enough time for everyone, with elected

official and government representatives being first.

You may also submit your comments in writing at the registration desk, at which point they become part of the public record. Again here, also include your contact information, and affiliation.

We ask you to keep your comments limited to five minutes to provide everyone an opportunity to speak. If you have extended comments, feel free to provide those in writing, and again they become part of the public record. Please note that the focus of this hearing is to receive verbal comments on the Draft SEIS, and the presentations this afternoon, and also the regulatory process that we'll be presenting on.

The hearing is recorded by a stenographer, Charmaine, and also recorded on audio devices. The transcript of the hearing will be entered into public record. It will become available on EPA's website at a later point.

We'll now move to the presentations.

Please note that the presentations will be available also on the EPA's website, after the hearing, and the agenda, I think everybody has picked up an agenda. Follow it. We'll start with Mel Cote, who is the Chief of the Water Branch of EPA, Region 1. He will open the meeting officially.

We will follow up by the presentation of the supplemental SEIS, by Jean Brochi, who's the Project Manager of the Ocean Coastal Protection Unit at EPA, and by myself. Then Steve Wolf from the Army Corp of Engineers will talk about dredge material testing and disposal site management. And then Mel Cote will speak again about proposed rule making for the Eastern Long Island Sound Dredge and disposal site.

The presentation then will be followed by a brief overview of the hearing procedures by Jean Brochi, and then the floor again is open for public comments.

That's in the time frame between 1:00 and 3:00. With that, Mel, do you want to open the meeting officially?

MR. COTE: Thank you, Bernward. Good afternoon everybody. Thank you for coming to this public hearing. We really appreciate you coming to learn more about the process, and to provide comments on our proposed role to designate an Eastern Long Island Sound Dredge Material Disposal Site and the Draft Supplemental Environmental Impact Statement that supports our proposal.

As Bernward mentioned, my name is Mel Cote. Surface Water Branch comprises our Coastal Protection Unit and our Watersheds and Nonpoint Source Unit, and I've been in this position for about a year. Prior to taking that position last year, I managed the Ocean and Coastal Protection Section in my branch for 13 plus years, and before that spent nine years as the Region 1 Coordinator for the Long Island Sound Study and Connecticut Nonpoint Source Program. So, I've spent a lot of time on and around Long Island Sound. I have a real affinity for this region.

Before we take your comments -- Actually,

Bernward has already gone through the speaker line up. I'm going to skip that, but I also do want to acknowledge and thank Buddy Labue and Pat Pechko from EPA Region 2 in New York City, Mark Habel from our Corps in New England District and other state agency staff from New York and Connecticut for coming today. ~~we will provide a brief presentation on the SEIS and the process we will follow. But I do want to thank Buddy LaBue and Pat Peccia from EPA Region 2 in New York City and other agency staff.~~ We appreciate your attendance and interest.

(Note: Duplication of text already entered above.)

So, this is my first slide here. Okay. I'm going to first talk about EPA's role in respect to the designation to dredge material disposal sites, and then I'm going to step back and provide some background, the designation of central and western disposal sites, which was completed in July of 2005.

As most of you probably know, EPA and the Army Corp of Engineers, jointly regulate dredging, and dredged material disposal under Federal authorities provided by Section 404

of the Clean Water Act, and Sections 102 and 103 of the Marine Protection, Research, and Sanctuaries Act, which also is known as the Ocean Dumping Act.

In administering these programs we work closely with other Federal resource agencies, including the National Marine Fisheries Service, US Fish and Wildlife Service, and state environmental agencies and coastal zone management programs to ensure properly coordination and consistency with statutory and regulatory requirements, and environmental standards.

Since 1980, EPA and the Corps have been applying the sediment testing requirements of the Ocean Dumping Act to all Federal dredging projects, and all private projects ~~generating~~ that generate more than 25,000 cubic yards of sediment.

Dredged material that meets these criteria and is determined to be suitable, meaning clean enough, for ocean disposal may be disposed of at any one of the four current sites in Long Island Sound, known as the Western Long Island Sound, Central Long

Island Sound, Cornfield Shoals, and New London disposal sites.

The Western and Central Long Island Sound sites were designated by EPA in 2005, as I've mentioned, and as many of you probably know, EPA proposed amendments to that site designation rule on February 10th that removed some of the original conditions, for example, like the Corps completing the Long Island Sound Dredged Material Management Plan, and it places new conditions that are intended to reduce or eliminate open-water disposal of dredged material in Long Island Sound.

The Cornfield Shoals and New London sites were evaluated and selected as disposal sites pursuant to sites programmatic and site specific environmental impact statements prepared by the Army Corps, most recently in 1991.

In 1992 Congress added a new provision to the Ocean Dumping Act that, for the first time, established a time limit on the availability of Corps selected sites for

disposal activity. The provision allows the selected sites to be used for a five-year period, beginning with the first disposal activity after the effective date of the provision, which was October 31, 1992.

It also provides for an additional five-years, beginning with the first disposal activity commencing after completion of the first five-year period. It's complicated. Nevertheless, there are two five year periods, and they don't exactly have to be bumped up against each over.

Use of the selected site can be extended, however, if the site is designated by EPA for long-term use. Use of the site also can be extended, as we found out in 2011, if congress imposes an extension through the legislative process.

Nevertheless, the statutory construct is that the Corps can select disposal sites only for short-term, and limited use, whereas Congress authorized EPA to undertake long-term site designations, subject to ongoing monitoring requirements to ensure

the sites remain environmentally sound.

To summerize, EPA's responsibilities related to dredging and dredged material disposal include: Designating disposal sites for long-term use; promulgating regulations and criteria for disposal site selection and permitting discharges; reviewing Army Corps dredging projects and permits; developing site monitoring and management plans for every one of our designated sites; and monitoring disposal sites jointly with the Corps.

Now, I'm going to provide some background on how the proposed designation of an Eastern Long Island Sound Disposal Site relates to the Central and Western sites.

The process began in 1998, eighteen years ago, when EPA and the Corps agreed to conduct a formal site designation process for all the Long Island Sound disposal sites following the criteria established in the Ocean Dumping Act.

We also agreed that, consistent with past practice in designating sites, we would

follow EPA's "Statement of Policy for Voluntary Preparation of National Environmental Policy Act [NEPA] Documents," and would prepare an environmental impact statement to evaluate different dredged material placement options.

In June 1999, the EPA published a "Notice of Intent" in the Federal Register announcing our plans to prepare, in cooperation with the Corps and other Federal and State agencies, an ~~environmental impact statement~~ EIS to evaluate, and potentially designate dredged material disposal sites for the entire Long Island Sound region.

We began the Sound-wide field data collection effort in 1999, but were slowed by both the technical complexities and financial constraints associated with a large-scale, multiple-site project. In March 2002, with the Central Long Island Sound Disposal Site scheduled to close in February 2004, that's when the second of two five-year periods of use, under it's Corps-selection expired. EPA and the Corps announced their intent to

develop the EIS in two stages, focusing first on western and central Long Island Sound, followed by the eastern Sound, once a site or sites had been designated to serve the western and central regions. That was fourteen years ago.

As it turns out, the designation of the Central and Western Long Island Sound Disposal Sites was contested by the State of New York, which lead to the inclusion of conditions that would need to be met in order for the sites to remain open for the long term.

The most significant of those conditions was the completion of the Long Island Sound DMMP by the Corps, just this past January. So, all the human and financial resources that would have gone into moving forward on a site designation process for Eastern Long Island Sound were focused on completing the DMMP.

Some of the initial studies conducted for the DMMP, including the dredging needs survey that was completed in 2009, and updated again

in the last year -- two years ago, and the analysis of placement alternatives, which was completed in 2012, formed the basis for EPA's determination that there was in fact a need for at least one disposal site to serve the Eastern Long Island Sound region. Upon making that determination, EPA began the process for preparing an SEIS.

At this time I'm going to turn it over to Jean Brochi, the EPA project manager for the SEIS, and then she'll be turning it back over to Bernward after that.

MS. BROCHI: Thank you, Mel. So, as Mel has covered, I'm just going to summarize the regulatory act that allows EPA or gives EPA the authority to designate a long term disposal site is the marine research, marine protection and sanctuaries act, Section 102.

As most of you, who has been to these public meetings before, know that this process has been going on since 2012. This slide presentation, Bernward is going to assist

me, will talk about the study itself. The approach was initiated with a Notice of Intent in 2012, followed by public participation. This right now, is the seventh and eighth public meeting for this process. EPA originally looked at eleven sites, and evaluated the sites using the site screening criteria, which I'll get into in a minute. We analyze the sites. We look at alternatives for those sites as well as a no action alternative, which means what happens if nothing is completed, and then we select a preferred alternative, which is where we are now.

So, as Mel had mentioned I'm going to summarize again, the Cornfield Shoals and New London sites were selected for five-year short term use, and they expire December 23, 2016. So, the process again, in addition to the public meetings, we had cooperating agency meetings and Webinars throughout the process.

EPA established a notification system for e-mail. We updated our website,

and then we created a separate email for comments, which is ELIS@EPA.GOV. We issued a draft rule making for the eastern site on April 27, 2016. So, the first step in looking for the alternative sites was to establish a zone of siting feasibility. And the black lines here indicate the boundaries of that zone.

However, this study also included information for Block Island Sound and Rhode Island Sound. Here you can see with the red arrow, is the eastern site that we're discussing today and receiving comments on.

So, the site screening is five general and eleven specific criteria, under the MPRSA. And it's 40CFR, Section 228 and I'm going to go through what some of those criteria include, and what we look at when we are evaluating it. So, you can see the study and the evaluation should include the sediment environment, we looked at ~~with~~ bathymetry ~~imagery~~. We looked at currents, waves. Bernward is going to go into more detail

about those specific studies and the data.

We looked at biological resources, habitat, fisheries, shell fisheries. We look at areas of conflicting use. Is there navigation nearby? Are there recreational areas? Are there shipwrecks or are there artifacts, historical or culturally significant areas?

So one thing, for the purpose of this SEIS, was again, driven from the dredging needs, and the determination in the DMMP dredging needs report ~~as~~ was that Eastern Long Island Sound, over the next thirty year period, had a need of 22.6 million cubic yards. That need exceeds the available capacity. This process, by designating a site also includes an environmental review.

So, we take into consideration the distance for shoaling or for moving dredged material to other sites, the haul distance, environmental concerns with that.

We also, when designating a site, have the ability to manage and monitor it, and we can collect that data on an annual

basis. Steve Wolf will go into more detail about what that includes, but I think as Mel mentioned, for the designation we have a site management monitoring plan, and it's updated every ten years. That's only for EPA designated sites.

So, ~~the~~ another reason for the designation is we can restrict the site use, which Mel will get into when he discusses the rule making, and he did high-light, and we're reducing the number of sites.

So, currently there are four sites available. There will be three available with this designation. So, again, Bernward is going to go into more detail. So, Bernward?

DR. HAY: I'm not sure what happened to that slide, color-wise.

MS. BROCHI: The color on the projector is off.

MR. HAY: It's definitely off. I'm going to provide a brief overview of -- It's too bad because I'm going to use this slide. Is

this going to happen with all the slides, Jeanie?

MS. BROCHI: It's the projector.

AUDIENCE MEMBER: If you want to refer to that for the colors, I believe, Bernward.

MR. HAY: I want to talk to the colors so --

MS. BROCHI: It's not like it's so crowded we can't see that.

DR. HAY: Because I want to use my pointer. Can you see the screen over there? Jeanie? I think I can advance from here.

AUDIENCE MEMBER: You should be able to.

DR. HAY: So, I'm just going to give you a brief overview of the document that is several thousand pages thick, and I encourage you to look at the EIS if you want to have more details. This is the main report. It's 450 pages and has a lot of data information in it. The three sites that were selected after the site screening process, as Jeannie mentioned, are the New London

alternative, Niantic Bay alternative, and the Cornfield Shoals alternative.

What you see as different colors here is basically water depth. The brown color represents shallow waters, the shelf for example, and blue waters -- or blue colors rather, indicate deep water, deeper water. The deepest point here The Race is raised. There is problematic deep water in Orient Point.

So, the studies that Jean mentioned, there were five studies that were conducted, in addition to the analysis of all the existing data that is available for Long Island Sound. The five studies are physical oceanography, sidescan sonar survey of the seabed, the biological characterization, sediment chemistry and sediment profile, sediment profile survey, and I'll talk about those in a few minutes, shortly.

The physical oceanography study basically deals with the dynamics of the ocean. It deals with waves, its currents, and its tidal forces. One of the key questions that

we're asking is, what happens to the dredged material once it's deposited in Long Island Sound. They also call it fate of the dredged material. A very extensive study was conducted by Jim O'Donnell, who sits in the back of the room, from the University of Connecticut. The study lasted about two years. It ~~was~~ included extensive data collection in the field. And ~~It's~~ extensive modelling. What you see on this slide here is a number of survey stations, both survey stations where equipment was deployed for an extended period of time, as well as survey stations visited during ship cruises. It shows mooring locations. ~~It also shows mooring locations.~~ It shows locations of other monitoring programs, for example, ~~the~~ that Connecticut DEEP ~~was conducted~~ is conducting.

So, ~~when I show~~ I want to show this slide with this data frame here, again this was an example of a number of instruments being used ~~if~~ in the survey. This is ~~the~~ an example of the outcome of the study. What you see here is bottom stress. Bottom stress basically reflects the

NOTE: Sentence not repeated during presentation.

forces that act ~~in~~ on the sediment on the bottom.

So, if you dispose dredge material, you would want to know, is it going to stay or is it going to move. So, bottom stress gives you that information, and it tells you how strong the forces are acting on that sediment. What you see in this slide here are two different sets of colors. I'm sorry. You see the blue which indicates low bottom stress. You can see the redish, orange, magenta colors, which indicate higher bottom stress.

Notice that the New London site is in the blue area. The blue and the orange areas that are divided by the magenta line, which is defined ~~as a study through~~ in the study through the modelling as ~~the~~ basically, the line within which you have either an area where material stays, ~~be part of~~ we call it containment area, or an area where material is dispersed. In other words, forces ~~of entry~~ would eventually moves the sediment that is disposed at this location, given the characteristics of dredge material.

There ~~It~~ was also a sidescan sonar survey. That's basically a sonar survey that looks at the bottom. ~~Here it's~~ The idea is to find out, what are the characteristics of the seabed? What can be done about sediment movement? What can ~~be~~ we learn ~~done~~ about cultural resources present at the seabed. Here's an example --

AUDIENCE MEMBER: Are you going to take questions afterward? Do you want us to ask as you go along?

MR. HAY: I'll take a few questions afterwards, but not during the presentation. What you see here is an example of the sea bottom at Cornfield Shoals. I just want to point out a few features. What you see here is a sand dune. There are large ripples on the sand dune. The shape of the sand dune indicates ~~a~~ sediment movement. You can see by this arrow the ~~next~~ net direction of sediment movement.

You can ~~see~~ get that kind of information from these types of images. In contrast, this is an image from the New London disposal site. You don't see those kinds of ~~sediments~~ sedimentary

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and features, basically materials. You don't get what they call bed forms in geology, that indicate certain movement on the sea floor.

There was also a sediment chemistry survey, but forty samples were collected throughout the three alternative sites. They were tested for organics. They were tested for grain size, heavy metals, PCB's and PH's, pesticides, and the instrument used was grab samplers which basically they reflect the upper six to eight inches of the sediment bottom. This is just a sample, typical sediment sample, from Cornfield Shoals.

Then there was biological survey that looked at the benthic health and the diversity of the organisms living at the bottom. It also characterized fish, Trawl Survey, conducted in conjunction with the Connecticut DEEP. We also looked at fishing patterns in the area.

You can see by the number of stations of where the survey was taking place, with regards to benthic organisms.

Finally, the fifth survey was the sediment profile survey, which looks at the diversity and health of the benthic community. It's a study that is commonly used by the DAMOS program, DAMOS from the Corps of Engineers. They study of the sediment material disposal sites on a regular basis.

Steve Wolf is going to talk more about this. But basically it slices into the sediment, and it shows you the different stages of benthic organisms. If you dispose sediment material, initially benthic organisms would be covered, but then over time they recolonize, and you can see and example in this case, not in this case, but this case is stage three, you can see benthic organisms already again at depth in the sediment column, indicating a healthy population.

A quick tour over the three alternative sites. This is -- I think we're back in color. Maybe I'll stay on this side here with my pointer. What you basically see

on this slide is, you'd see the existing New London disposal site on the right. You can see two additional areas that were added in the analysis. These areas were added because of the needed capacity to accommodate the dredging need over the next thirty years for the region.

Other features in the site you can see, when you look closely within the New London disposal site, you can see an uneven surface here. These are basically disposal mounds. They haven't moved. They basically are very visible features in this image. Otherwise, the area consists of sand. It's pretty plain, with the exception of Boulder Field here. I'll come back to that a little bit later. There's shipwreck here down in this corner, and we'll come back to that a little bit later as well.

This is the Niantic alternative. It's also mostly sand, it has a small boulder field here as well as here. Otherwise it's a very plain area. This area is a transitional area with regards to sediment movement. The

northern part is basically containment area, bottom stress that we talked about earlier, would contain dredge material in this area. Whereas, the remaining part of the Niantic Bay alternative would be what they call dispersive material, would eventually move from that area.

This is Cornfield Shoals. Basically, you're flat bottom, about 150 feet deep or so. You don't see any indication of dredge material disposal, even though disposing of dredge material is taking place there. That's the result of the fact, as was mentioned earlier, that the site is dispersed material that's moved from the site eventually within that flow to the west, when balance moves in this direction.

Just to summarize very quickly, as there's a lot of data to summarize, as I mentioned earlier, but just in a nutshell summary: The main difference between the three alternative sites is the fact that --

I'll come back to that later.

So, the sediment environment, the texture at all three sites is mostly sand, although it's finer grained at the New London site, but overall the primary grain size at all three sites is sand.

Bottom stress, we talked about that. It's low in New London, high in Cornfield Shoals, and it's transitional in Niantic Bay. Contaminant concentrations, metals, PCB's etc, they were low or not detected at all, out of the forty stations that we investigated.

None of the sites have shellfish beds. Commercial fishing and recreational shellfish in abundance is low, and overall the fishing habitats are similar to the central part of Long Island Sound.

With regards to socio-economic and cultural resources, none of them have cables or infrastructure or other kinds of pipelines. Navigation is not impeded. There are no anchoring areas in those sites. None of them are cultural resources, conservation areas and

the only shipwreck located is ~~located is~~ in the southern part of the New London site, which can be managed.

So, with regards to environmental consequences for these sites, again, in a nutshell summary: The main difference, again, is the fact that sediment would move from Cornfield Shoals, part of Niantic Bay. Sediment would stay with New London and a portion of Niantic Bay.

With regards to biological resources, there will be short term minor ~~infector into~~ impacts during disposal. In other words, benthic organisms that sit on the bottom would be covered by dredge material when it's disposed. All of the DAMOS program has shown rapid recolonization ~~off~~ of those disposal mounds.

With regards to fish habitat and fish concentrations, as well as endangered species, reptiles, and mammals, ~~this~~ the potential impact is minimal because these species are ~~all wild~~ are mobile and they can get out of the way of the dredge material, disposal event.

Finally, bio-accumulation, the dredged material is required to go through very stringent testing program. So, the risk for bio-accumulation is very minor or minimal.

With regard to socioeconomic and cultural resources, because these sites are not unique, with regards to fish abundance, the impact is also minimal. Same for commercial as well as recreational fishing.

With regards to shipping and navigation, there's no impact on that. There will be site management during disposal events to avoid impacts at the time of disposal. No impacts on beaches or parks or natural areas, and the shipwreck in the southern corner would be managed by creating a buffer zone around the shipwreck.

So, looking at all this information, and again there's a lot more information that we looked at. The conclusion was, or the decision was, to select a portion of New London disposal site as the preferred alternative.

The preferred alternative is called the Eastern Long Island Sound Disposal Site. ~~site,~~ to match the name Central and Western Long Island Sound Disposal Site. You can see it outlined with the blue boundary. With the black boundary you see the full New London Disposal Site.

In other words, it includes the western half of the existing New London Disposal Site, as well as the two areas to the west of the New London disposal site. It has an area of two by one square nautical miles. And to summarize the main reason for the site, the material in the site would be contained. The site has been used previously as a disposal site, which is one of the criteria under MPRSA. Environmental consequences are minor, Minimal or none.

The shipwreck is here located in this corner, would be excluded from disposal, as well as the boulder area located in this position, within the site.

Finally, the site is close to dredging centers, which ~~is one~~ has some of the larger dredging

centers. With that --

AUDIENCE MEMBER: May I ask a question while the slide's up though?

DR. HAY: Yes.

AUDIENCE MEMBER: Why did you not choose the eastern portion there that's already disturbed? Why was that left out of the ~~eastern potion~~ selected Eastern Long Island Disposal Sites?

DR. HAY: That's a very good question.

AUDIENCE MEMBER: Thank you.

DR. HAY: You can see in black here, the contour line of eighteen meters. Eighteen meters is a threshold above which dredge material would not be disposed, as one of the site's ~~actual~~ selection criteria. Everything to the left of the eighteen meter line, deeper than eighteen meters. So, much of the area, in fact part of this area here, that is within the box is already filled, if you want, and not suitable for material because it's ~~to shelf~~ too shallow. So, hence ~~forth for~~ for site management purposes it makes sense not to include

this area and to limit it because site management, the larger the site the more it needs to be managed.

So, a decision was made to select this box. Jean, would you like add to this?

MS. BROCHI: No.

DR. HAY: Okay. Thank you. With that, I know you have questions. Do you want to hold questions for later?

MR. COTE: There's maybe one or two quick clarifying questions, based on Bernward's, because we do want to finish so we can get comments.

AUDIENCE MEMBER: The one I had was on the slide that showed whether it's a high, medium or low energy, you had said it was blue, but when I looked at it, it looked like fifty percent or greater was moderate with a green color. Do you have that slide that you can pull back up?

DR. HAY: What I meant was a blueish color. The dividing line was a magenta line. This one here.

AUDIENCE MEMBER: Yes, that one there.

DR. HAY: The green is included in what I defined in what I called blue or blueish. So, this is the dividing line, the magenta line. Everything above or to the north of this dividing line would be ~~selected~~ considered containment areas. Everything to the south or the orange, redish, yellow areas would be considered ~~stress~~ dispersive.

AUDIENCE MEMBER: Are those done on average or are you saying this is a consistent stress, or is it on average? In other words greater or less than?

DR. HAY: This slide actually represents the maximum bottom stress simulation for the period of 2011-2014, which includes the Superstorm Sandy. This is, like, a ~~worse~~ worst case scenario.

Jim, you want to add to this?

MR. O'DONNELL: Sure. I worked on this. The blue-green color show that actually, the maximum stress that would occur during a typical winter in this area.

Most of the time the stress is much lower but we went through our the much bluer or simulations is at maximum and mapped that. The idea of being, that sediment moves, when the stress is at its maximum. This is going to move. It's going to move when its stress is at its maximum. These blue and green shades, are below the threshold which we expect it to move.

MS. BROCHI: Can you identify yourself, Jim, please?

MR. O'DONNELL: I'm Jim O'Donnell. I'm Professor of Marine Sciences at the University of Connecticut.

AUDIENCE MEMBER: I just want a clarification based on the slides as well. I think it was Jean maybe made the statement that sites were entirely within Connecticut, but I'm looking at the slides and I'm seeing the boxes extending into New York. So, I wanted to clarify that.

DR. HAY: Okay. What we had was a small piece here on the preferred alternative, that extended in New York. You're talking about the boxes that were

analyzed?

AUDIENCE MEMBER: Yes, and also Cornfield Shoals, it looks like. I mean, I wanted to clarify the statement, because the statement was that the sites were entirely within Connecticut. Is that correct?

DR. HAY: The existing disposal sites are mostly in Connecticut, but a portion of it is in New York waters.

MS. ESPOSITO: And the proposed sites are?

DR. HAY: The proposed site is mostly in Connecticut. There's a tiny portion that is in New York. Okay, with that, we should move on. The next speaker would be Steve Wolf from the Army Corps of Engineers. He will talk about dredge material testing and disposal site management.

MR. WOLF: How many folks were at the Western and Central? I know one, two -- a few of you. I apologize if you're going to see a lot of the same material here. Let me pull up my slides.

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It will be a test. I slipped in a few new ones that will be a bit different here, which would be good. I'll start off. I'm Steve Wolf and I work with the Corps of Engineers. The hat that I wear is to monitor these dredge material disposal sites, once they've been designated, to make sure that all the predictions that were made during the EIS process we're living up to.

To start off I've got a little bit of a video of a dredge material disposal event for those of you that haven't actually seen one, because that's what we're talking about today. This is about a three to four thousand cubic yard scow of dredge material. When the scow is over the position, over the designated site ~~of when~~ where it's going to be released, the hydraulics are engaged, and in really a matter of ten to fifteen seconds, the bottom of that scow splits open and all that material falls out the bottom of it, and it's so much gone in a very short time period.

This is pretty much how the lions share

of it go. I can go on to the next one. But we know that it raises some questions for folks, and that's probably why some of you are here today about, do we get it in the right place? As Bernward was saying, you know, that we're making predictions that once it's there it's going to stay there. Will we want to make sure of that?

What about the impact to the water column? What about the impacts of the benthic system that's there? I'm going to try to address all those briefly here but I think it's good to digress a little bit to go back in history and let you know how we got to this point today.

Historically, if you go back to some of the first ports for dredging in New England, and pretty much anywhere in those early days it was pretty much just getting the sediment outside of my ~~jurisdiction~~ berth, where I've got an issue. So, often times it was pretty much push to the end of the wharf or somewhere right out of the port, and it was someone else's problem.

As time went on as we got up until the early 1900's, you can still see a record of material that was placed along much of the New England Coastline. We've got so many small harbors. Each one has almost a signature of that material from really a hundred or more years ago.

As we moved into the early to mid-1900's, we started to see sites that were specialized. So, if you looked on an older chart, you might see one. If you looked in some township records you might see a sight that was this is where we want you to place material from the harbor, but what we didn't have in those days were really sort of the check and balances on where it was going and what type of material was going out there. That really didn't come until we got up into the 1970's with the acts that Mel and Jeannie had mentioned.

So, we've got now regulations that say very specifically how you select a site. Where you can put the material and what sort of testing do you have to do to make sure

that it's acceptable to actually go out to a sight like that.

And so, that's where the program that Bernward had mentioned that I work with DAMOS, Disposal and Monitoring System, really got it's birth. That was back in the late 1970's and was really focused specifically to answer those main questions. So, we've got a long history, almost forty years of study of trying to address those questions. We turned out a myriad of reports. I'll have a listing on the website of where we got those. And I think we've learned a lot over the years.

Before I get to those specific questions, I'll step back and talk about the testing that Bernward had mentioned happens to that dredge material because I think certainly related to the central and western designations, which happened recently, and I think as far as this one, there have been a fair amount of misconceptions, and mis-reporting in terms of what is actually being placed in the Sound.

The first one I really want to clear up

is that toxic material is not placed in the Sound. It may have been historically, just as it was historically been pretty much everywhere in the world, but with the passage of regulations that we have, that's just not the case anymore.

So, in terms of the testing, you've got a harbor that you want to dredge. You can't just do it, and take that material out. You've got to follow a very specified step-wise procedure to sample that material, send it to the lab, and we're looking at it physically. Is it fine or is it ~~course~~ coarse grained? We're looking at it chemically, what sort of constituents are in it, ~~or~~ at what kind of concentrations.

Then we do what's called biological testing, where you see the aquarium in sort of the central section in the bottom. Now we're actually putting some of that sediment in with critters in the water column, down living in the sediment, and we see how they react to it. What we're trying to do is get a gage as to what is the concentration as ~~to~~ of a

particular chemical, and does it have an effect.

So, if you take an element such as arsenic, which is naturally occurring, and we look pre-industrialization. So, before there was any development along the coastline here, and you could say, what are the concentrations of arsenic ~~and~~ in the sediment ~~in~~ at the shoreline. You will see the blue bar charts represent a relative concentration, from green meaning very low concentrations, to red being very high, particularly ~~for~~ in areas ~~in~~ up New Hampshire. That's because it's a naturally occurring element.

So, you can't just go by the concentration. What we're really interested in is, what is the effect associated with that concentration. That's what we call the toxicity. An acute toxicity means if a critter is in contact with that, it probably, doesn't have, at that level and that concentration, it's probably going to die in a fairly short period of time. That's clearly an indication that something

is wrong with the sediment and would call it toxic. Chronic toxicity is when an organism can live, but it can't thrive, and maybe doesn't grow as well, or maybe it doesn't reproduce as well. So those are also triggers that we're looking at.

So, if those are unacceptable, then the material isn't going to be placed in the Sound.

Similarly for PCB's, and I won't go into this, but it's different for organic chemicals because some of these didn't exist before the industrial revolution. Now, they're ubiquitous, you find some levels of them everywhere, but we do the same sort of analysis. We look to see is it chronic toxicity? Is there acute toxicity and that's our driver for a threshold for allowing the material to go out into the water.

So, if the material has been tested, and it's found to be acceptable, then what happens when it goes out? How do we answer those questions. How do we ensure that we're

getting it in the right place. Advancements that we have in electronic positioning, those of you who are boaters, you know almost all the time exactly where you are.

There's a requirement now for every scow that's loaded, like the one here, to be outfitted with a number of sensors. So, back on the stern, which is the little blow up on the right there, we've got a sensor which says, is the hull open or closed. We've got a draft sensor that says, is it sitting low in the water? Is it full or is it sitting high because it's empty? We've got a GPS sensors that we know right where the scow is and then we've got a data logger, which is tracking the position of it. What that gives us is a record, and the one I pulled off of our system. On the left you'll see a map, and this is the dredging placed in New Haven a few years ago. You see a breadcrumb trail that the scow took on its way out to the disposal site. It changes colors. When the scow's draft changes so we know right where material left the scow.

Even if the tug is hundreds of feet in front of the scow, the tug operator sees the image, again thanks to electronics, of his scow on the map. So, we're really, I'm don't want to say on a dime, but we're really really able to get very accurate with where we are placing the material. What that allows us to do is, when we specify a site, such as the eastern one today that's fairly large, a mile roughly by two miles, we're not putting material over that annual basis. We're focusing on a very small point. We're minimizing our impact on any given year.

This is a slide, Central Long Island Sound, which is a site, which is the same dimensions. It's a mile by two mile. Each of the little humps that you see there, the orange, the yellow, those lighter colors represent a particular project or a year or several years where we targeted placement of materials. So, in any given year we're really focusing on a very small area.

So, we're very comfortable in terms of being able to place the material there, in a particular site. The others that I should mention is that you can see dates on some of these. They're numbers that go back into the 70's. I think ~~of what~~ Bernward mentioned. If the site is selected correctly, this material is very stable at the bottom. It does not get up and move. Some of these sites, these individual mounds of material on the sea floor has been through a number of hurricanes; Hurricane Sandy, Hurricane Gloria, a number or noreasters. We go back out and we measure the bathymetry sequentially, before and after storms, and we see that these things are locked up once they're down there. Again, once we selected the right site.

Then moving on to the question about what happens as the material moves through the water column. You've got concerns that some of this material, even if it's suitable, it's still a lot of suspended material, that can cause an issue in the water column.

This is a sort of text book image of a release from a hopper dredge of the surface falling down to the bottom. This is kind of a picture that I had in my mind before I spent much time working on this, but this is before you do the math, a ship that would typically be three or four hundred feet long, this is a very very ~~very~~ deep site. This is to scale. Maybe typical of one of our West Coast sites. It's clearly not typical of anywhere in New England, particularly the Long Island Sound. Because it we set this up as a real picture, scaled, that's a scow that's about three hundred feet long.

When it's fully loaded, there's about twenty feet of it under water. If you scale this out, you would say well where is the sea floor, and most of the sites that we're looking at, the sea floor is only forty to eighty feet below that. So, if you scale the drawing as this one is, you can see that it's actually a very short distance.

So, when the scow opens, and that material falls out pretty quickly, what we see is

that it hits the bottom very very fast.

This is a, some poor graduate student art MIT got to spend a good portion of his life simulating the release. This is about a fifteen foot tank, where beads have been dropped to the surface, and they're tracking the fall of those. What you can see is the initial descent of when that is released it is very fast. It's actually drawing water in. It isn't until it gets much deeper in the tank that you begin to get this sort of spreading out a bit. That's very much favorable for us, because all of the sites that we have really the material hits the bottom before it starts that spreading out component. That's simulations, that's math but we do go out into the field and we track this. We've got instrumentation that's similar to fish finders, as some of you may use fish finder, very accurate fish finders.

So, once the disposal is taking place, we'll run over that, we'll look at the floor where there is the most disturbed water column, we go back and take a sample of that

water and send it off to the lab because we want to confirm that we're not having an impact, that's going to be significant or large.

Finally, what about the benthic community in terms of who's sitting on the sea floor. Clearly if you put a full load, like I showed in the beginning on the material, everything that's within the footprint of that gets covered up. That's just the way that is. What we see is, if we try to minimize that foot print, and over the period of just one season, that will start to come back. Once the placement has stopped, just as if you'd put clean ~~film~~ fill on a field, you've initially covered up the grass and the insects that are underneath that, that fill, but in a very short period of time you've got things beginning to sprout on it. You've got insects starting to colonize, which is actually something that happens on the sea floor. That's what we track to make sure that these things are recovered.

It's one of the things to wrestle with

is, yes it is an impact but to try to put it into some sort of scale, that you can get your arms ~~out of~~ around. One thing we like to do as environmental scientists is try to scale things. So, if we said, let's say ~~the~~ that Long Island Sound has been scaled down to the size of a football field, and they give a year for the site that you need, that Bernward has just presented, how big of an area on that football field would be impact with the placement of dredge material.

What we ~~do then~~ zoom in over here, about the size of a pie plate or maybe a bucket lid, is really all that gets impacted on a given year, and then we let it sit and we track it and we make sure these it recovers.

So, we ~~'ve been~~ are very comfortable and I think there's been a lot of work out there, not just ~~between~~ by the Corps of Engineers, ~~from~~ but by some of the academics. Dredge material, there's no link between placement of dredged material and the diminishing of the lobster fishery in the Long Island Sound, lots of other causes, but dredge material ~~focus in~~ is not the out

there.

Likewise, in terms of nitrogen loading, there are lots of issues associated with the Sound in terms of nitrogen loading in the placement of dredge material. In terms of the scale of what actually happens there, is just not an issue. But we do realize that there are minimums, and there are impacts, and we work very hard to focus on trying to find a beneficial use for the dredge materials.

We're going to have to continue to dredge in the future. I like this slide. It's a good representation of why we dredge. This is the Connecticut River discharging into the Long Island Sound, after the passage of Hurricane, Tropical Storm Irene, tremendous amount of sediment in just a short period, a day or two, way more than we would put out in years and years and years. It's a natural event, the Sound recovers, but what that does is it means we have to dredge a number of the harbors.

So, we're continually focused on ways to be able to beneficially use that material,

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and try to reduce the amount of putting it directly in our harbors. A group that the EPA and the Corps of Engineers co-chair is called the New England Regional Dredge Team, it's Federal agencies as well as representatives to agree to meet in the New England States. We meet quarterly every year, four times a year, and on our agenda, there is a standard item which is beneficial use of dredge material. The EPA is developing a very good tracking algorithms that allows us to look at all the various ways for using dredge material. Rhode Island just completed a pilot program, for putting it on marshes, to be able to help build up the elevation of the marsh so they can keep track, keep pace, with sea level rise. We certainly are already are putting lots of material on beaches or on the near shore to help augment that, and we're going to continue that, but a balance. We realize that there are times where there just isn't a beneficial use that's feasible, and in those cases we look for responsible

managed placement at the Long Island Sound sites. That's it, except that I do have some contact information ~~so~~. There's lots of reports and all the reports we do the day we collect and it's all public. So, if you've got questions, and I know we're not going to have much time for questions today, but I welcome them, the Corps. I mean, we welcome folks to come out. We invited the representative from Citizen's Campaign for the Environment out last year. I think it went really well. We're going to do that again. We've taken some advice in terms of the type of monitoring. We're going to shift our program to try and answer some of those questions.

Again, we're trying to do this responsibly, but we want to answer the mail if you guys have questions or comments on this. So, with that I think I turn it over to Mel again, who is going to actually tell you about the draft rule.

AUDIENCE MEMBER: Can I just ask a quick question? I'm curious in San

Francisco, they favor deep disposal, seventy-five miles off-shore, and the advantages of shallow disposal or dispersal. Why is deep good on the west coast and shallow good on the east coast?

MR. WOLF: One is deep water is very very close in San Francisco. So, they don't have to go very far.

AUDIENCE MEMBER: No, it said seventy-five miles off.

MR. WOLF: That's the track to get out of the harbor. They have a very specified plan that designates how much is placed in the bay, and how much can go off-shore. That would work out as a long term agreement. You could probably speak better than this, Mel, than I can. I know from a technical point of view, San Francisco Bay is a much shallower system overall, and I think they looked at what the system can handle in terms of sediment load and also the question about the depth of the site, is there a limitation. You can't bring it up to shallow, one, from a navigational point of

view, but two, from a hydro-dynamic point of view. You get to a certain shallowness, which is a lot of San Francisco that where you can change the circulation to that. Is there anything else to add?

MR. COTE: I'd only add that there's the Farallones Sanctuary outside and they actually had to go out and around that. It forced them to go out even further. The fact that they have to go so far. Also, they have a lot of restoration needs in the bay, where they have all of these salt marshes, salt production, and now trying to restore so there's a lot of those sediments in there. That's the type of thing we do need to do more of in the Long Island Sound. Thank you very much Steve. I really want to try and go quickly, so we have plenty of time for public comment.

So, again, my name is Mel Cote, Chief of Surface Water Branch, EPA in Region 1, which covers New England, New England States. You've now heard about the history of dredged material disposal sites in Long Island Sound,

the Supplemental Environmental Impact Statement, and dredged material management and monitoring. My job is to get us backed focused on the proposed rule before we move into the public hearing part of the session.

As you've seen already plenty enough, EPA and the Corps share responsibility for dredged material management. Our focus today is on EPA's responsibility, under Section 102, to designate disposal sites.

As I mentioned earlier, June 2005, ~~the~~ we published the final rule designating the Central and Western disposal sites. To address concerns raised by the State of New York and others, these site designations are subject to restrictions on their use.

Those restrictions were intended to reduce or eliminate the disposal of dredged material in Long Island Sound, and they included requirements for: Corps completing a Dredged Material Management Plan for the entire Long Island Sound Region, which they did earlier this year; Establishing an inter-agency, Federal and State, Long Island

Sound Regional Dredging Team to review alternatives analyses for federal and large private dredging projects during the development of the DMMP; And EPA rule making.

So, upon completion of the DMMP, EPA was to propose and finalize amendments to the 2005 rule, describing standards and procedures that must be complied with in the future, with the goal of reducing or eliminating open water disposal. These standards and procedures are to be consistent, at a minimum consistent, with the recommendations in the DMMP.

Those recommendations include: Establishing standards and procedures for reviewing placement or disposal alternatives for all Federal, and large private dredging projects, to support the goal of reducing and eliminating open water disposal. It describes Federal Base Plans and alternatives for each and every Federal Navigation Project and harbors around the Sound. It recommends further studies and development of beneficial use and other non-open water alternatives;

and continuing disposal site management and monitoring, and conducting further research on the effects of disposal, along the lines of what Steve was talking about.

So, back on February 10th, again as I mentioned earlier, we took the first step in meeting its obligation by publishing proposed amendments to the 2005 rule in the Federal Register for a 45-day public comment period that ended on March 25th. We thank those of you who submitted comments.

The proposed rule includes standards and procedures. Hopefully you've seen those by now. They are to be followed by all Federal and large dredging projects, private dredging projects, that are intended to help reduce or eliminate open water disposal. We received 119 individual sets of comments, the majority which support the proposed action. We are right now in the final stages of finalizing the rule and expect ~~to release it soon. We expect to~~ it will be published the week after next, June 6th in the Federal Register.

Why this is important, why is this

important, is because EPA intends to us the same restrictions on the use of the proposed Eastern site as it has proposed for the Central and Western sites, namely that there will be standards and procedures that will encourage the identification, development, and use of practicable alternatives to open-water disposal, and require large dredging project proponents to thoroughly evaluate those alternatives. This applies to all Federal dredging projets and all private projects generating more than 25,000 cubic yards.

On April 27th, as Jeannie mentioned, we published a proposed rule in the Federal Register for a 60-day public comment period, which ends on June 27th.

So, here are the standards that are included in the proposed rule. They echo the standards recommended in the Corps' DMMP.

Unsuitable material, shall not be disposed at the sites. That just reiterates an already existing one. Sandy material

should be used beneficially wherever practicable. These materials have high value for uses such as beach nourishment or near shore bar/berm nourishment. As long as it's a practicable alternative, project proponents will need to identify and secure funding for any needed non-federal cost sharing.

Finally, for fine-grained material, and this is the tough stuff. Proponents must thoroughly evaluate practicable alternatives and use them if they are available. This material is not typically considered appropriate for beach or near shore nourishment. But in the future, such uses as marsh creation or restoration may become practicable.

Only if no other alternative is determined to be practicable, may suitable fine grained material be placed at the designated sites.

The proposed rule expects that all levels of government will continue to exercise their existing authorities and programs to reduce the flow of sediments and contaminants

into waterways, including storm water and nonpoint management programs.

The proposal does not create any new obligations, but instead focuses attention on those existing programs such as those that address storm water and nonpoint sources of pollution in coastal communities and along the tributaries to the Sound.

Finally, the proposed standards retain the 2005 restriction that requires that practicable alternatives must be used if they are available.

Now, the procedures, we talked about standards v the procedures in the proposed rule are built around making the inter-agency Long Island Sound Regional Dredging Team, or LIS or RDT, a permanent body and enhancing its role. The RDT's goal is to reduce or eliminate open-water disposal wherever practicable. The RDT's primary purpose will be to ensure that all large dredging projects conduct a thorough analysis of alternatives to open-water disposal and make recommendations to the Corps on each project.

Of equal importance, the RDT will provide a forum for continual exploration of beneficial use alternatives, for promoting the ~~sale~~ use of these alternatives and suggesting approaches for cost-sharing opportunities. This proactive role for the RDT is a new one.

The RDT also will be expected to assist EPA and the Corps with long-term activities intended to track disposal of dredged material and monitor dredging impacts in the Sound.

These include supporting the DAMOS program that Steve just described for us.

The geographic scope of the LISRDT will include all of Long Island Sound, previously applied just to the Central and Western Regions and now apply to all, so it looks at opportunities for alternatives broadly.

The RDT will consist of representatives from Federal and State government agencies or authorities with expertise in dredging and dredged material management.

We expect the Team would include Federal representatives from EPA Region 1 and 2

offices, the New England and New York Districts and North Atlantic Division of the Corps, and National Oceanic and Atmospheric Administration. We also expect the states of Connecticut, New York, and possibly Rhode Island to participate through their environmental agencies, coastal zone management programs, and relevant port authorities, and all that stuff.

We propose that the specific details of the structure and process of the Long Island Sound Regional Dredging Team be left for them to determine and be allowed to evolve as best accomplishes the RDT's purpose.

Finally, the EPA encourages the RDT to establish and maintain cooperative working relationships with other Long Island Sound based organizations, such as the Long Island Sound Study's Science and Technical Advisory Committee.

One last point I'd like to make before closing, is that we have made excellent progress toward meeting the goal of reducing or eliminating open-water disposal since the

2005 rule.

The chart on the screen shows how much material has been disposed at each of the four currently active disposal sites, from the first dredging season after the rule, which is the winter 2005-2006, through the 2013-2014 dredging season. As you probably most of you know, dredging only occurs in winter.

While the right-hand column clearly shows the variability in the amount of dredging from year to year, the most important results are the numbers in the lower right hand box. This was the average for the previous 22 years, and the average for the last 9 years in this record here, 35 percent -- 35 percent reduction, over that time frame over that time frame, including the previous 22 years.

I'll conclude my presentation by reminding you of the opportunity to provide comments on the EPA's proposed rule and draft SEIS. In just a few moments you will have an opportunity to provide oral comments for the record. You can also provide comments in writing. Jeannie already went through that.

I'll stop right there. Thank you for your attention and patience. I'm going to turn it over to Jeannie to get the comment period kicked off.

MS. BROCHI: Thank you, Mel. We ask that you approach the mic and speak cleary so the transcriptionist can record the information, and we ask that you identify your affiliation or organization.

I'd also like to acknowledge first, Mark Woolly from Lee Zeldin's Office, and I apologize if I'm mispronouncing that, and Sarah Anker, Suffolk County Legislator. Sarah Anker, please approach if you have comments.

MS. ANKER: Hi everybody. Thank you for coming out. Again, I want to thank the presenters today for explaining the process and again I can't wait for what Adrianne has to say. I really can't because, you have been a leader in this and following this. How long has this been?

MS. ESPOSITO: It's only been twelve years.

MS. ANKER: Twelve years. I have been a legislator for five. I have not been a legislator for five years, and I have folders, not just files, but probably crates of paperwork, from the past actual ten years, and has taken seven million dollars, it's taken to find alternative locations. It's good to know that the area has been reduced. There's like, what is it that was mentioned, as far as in New York.

Again, a few questions maybe. Now, you mentioned there's what was described as low or not detected contaminants. As far as I'm concerned, that's the most important concern that we may be contaminating the Long Island Sound. Long Island Sound produces up to thirty-six billion dollars of economic value for the area, and we've spent hundreds of millions, if not billions of dollars cleaning it up, and making sure that it's sustainable. Can I ask questions, or is this just for comment?

MS. BROCHI: This is just for comments on rule making process.

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MS. ANKER: Mainly my concern is that, you do mention that there is still accepted low contaminants, low level contaminants, and as I was looking at the map, you know, you show, what are they called, they're like the hills of the old contaminants. How far does the dumping go? Oh, I can't ask questions. Excuse me?

MS. BROCHI: You mean mounds?

MS. ANKER: Yes, mounds. Adrianne, how far does that go back, contaminant dumping?

MS. ESPOSITO: I think the New London site started in the 1970's.

AUDIENCE MEMBER: 1950.

MS. ANKER: 1950. Do I hear 1940? I'm sorry. A long time ago. With the understanding that this has gone back decades and decades, and of course we have the use of asbestos, and lead and some pretty crazy contaminants, and also the synergistic effects of all these types of contaminants, and the toxins. Have those mounds been tested, as far as what's happening today, now that we

have a better understanding of those contaminations.

Again, that's a concern, that before we continue to keep dumping more silt and sediment, let's find out what's down there, and the effect that it's having currently with the marine life down there.

Again, thank you for coming out, I'm very eager to hear some of the public comment today. My legislative district consists of Mt. Sinai, the entire North Shore up to Wading River, and I'm on the Environmental Committee for the County. I've been following this for, like Adrianne said, probably ten, twelve years. I'm very happy to hear that the area has been reduced but again, there is some issues pertaining to contaminants that I'm still concerned about that continues to stay in this document.

I may have some more questions later after I hear some of the comments. Again, I do appreciate the public hearing because that is what government is about, is allowing the public to have input. So, thank you.

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MS. BROCHI: Thank you. David Bergen.

MR. BERGEN: First, before I start my comments, on behalf of Dr. Sean McKay and Suffolk Community College, we welcome you all here. We are glad to be a host of this event, and we look forward to hosting more of them in the future, if they're wanted, if need be. Thank you. My name is Dave Bergen, I reside in Cutchogue. I served as a Southold Town Trustee for ten years, working with Suffolk County, as a liaison between the Town and Suffolk County Department of Public Works, dredging and hydraulic dredging. So, I'm very familiar with the dredging process.

I also currently serve as a Commodore for East End Sailing Association. Contained in our association's mission statement, is the language to preserve our amazing local marine environment. I attended a scoping session in this very facility in December 2015, where a discussion took place regarding the movement of the surface waters in Long Island

Sound from various Connecticut rivers.

The research demonstrated that strong tidal currents took both surface and subsurface waters south and east around Fishers Island and as far south as Plum Gut. Clearly the dredge boils from these rivers will contain in-organic matter, including ~~heaving~~ heavy metals, which will not all sink to the bottom, but will move with the very strong currents of Long Island Sound, ending up in Southold Town waters.

Long Island Sound, was only a few years ago, designated by the EPA as a no discharge zone. As such I find it incredulous that the same Federal agency, which designated this fragile water body as a no discharge zone, would today consider ~~for the~~ allowing for the dumping of dangerous toxic materials in their no discharge zone.

What message does this send to all the local stake holders, for spending an incredible amount of tax payer and private dollars on efforts to clean up Long Island Sound. I understand that elected officials

at a local, County and State level are fighting this.

I call upon out elected officials on the Federal level, Senator Schumer, Joel Brennen and Congressman Zeldin, to use their common influence to stop this preposterous plan in its tracks. Thank you very much.

MS. BROCHI: Thank you. Scott Russell.

MR. RUSSELL: Yes, I also want to reiterate, thank you in giving us the opportunity, coming to Riverhead. I also recognize and I appreciate wanting comment to be brief. I will certainly try and keep it under five minutes.

Based on the lack of attendance I don't really think I'm bogging down the process by going any longer. Let me say the Town Board is commenting on the draft Dredged Material Management Plan and the draft ~~Dredge draft~~ Programmatic Environmental Impact Statement for Long Island Sound. My mistake from the outset, that it's the Town Board's position that dredging of waterways for the

safe and economically viable navigation is appropriate, and it's important we understand that.

However, the Town of Southold strongly is opposed to further open water disposal of dredged ~~soil~~ spoil in the Long Island Sound. I'm just going to comment on some of the things contained in your document, and I'm going to reference the pertinent sections as I comment and also quote from the document.

The document identifies that dredged material, transportation and placement cost matrix, was developed by the Army Corps, and its ~~contract~~ contractors is to enable cost comparison of the alternatives. Does the assessment calculate potential costs for remediation in the event that significant adverse environmental impacts occur, that are unexpected. How is remediation to be accomplished?

I also want to comment on the non-Federal projects. Of the total volume, about 35 and a half percent is coming from non-Federal dredge activities. The consideration of

allowing disposal of 18 million cubic yards of dredge spoil, from ~~Federal~~ non-~~public~~ Federal facilities is very concerning.

Private projects should arrange disposal in upland beneficial sites where their impacts can be contained, and not adversely ~~effect~~ waterways and natural resources.

Also, I want to mention that it references about 2.1 million cubic yards of dredge spoil to come from Little and Great Peconic Bays. We are unaware of any project that requires a disposal of dredged material. It's perplexing that the study includes dredge spoil from Peconic Bay projects, and we think this creates a false needs assessment.

The concern is the level of contamination of the area that is proposed to be dredged. It's not clear ~~on~~ in the documentation, that the sampling protocol of the sediments from non-Federal facilities is sufficient.

What is the sampling protocol of the sediments from a non-Federal facilities? Are

the Federal and non-Federal sediment testing protocol established and comparable? What are the quality control measures on testing of non-Federal projects? What are the costs to the private non-Federal actions in the event of remediation is necessary, as I referenced? It is a substantial remediation bond and impact fees required for private non-Federal operations?

Second, concerns over suitability or compatibility of dredge materials. The document states that the suitability of material was determined based on most recent sediment testing results, and or most recent placement site ~~view~~ reviews by the Army Corps other than Federal agency projects.

In some cases the most recent testing was performed decades ago, and may not reflect current conditions. That's quoting your document. The statement that the most recent testing occurred decades ago, and may not reflect current conditions is concerning, in that impact assessment in some areas do not reflect current conditions.

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References to concern on toxicity tests, the document states that toxicity tests consist of exposing test organisms in the proposed dredge material and comparing survivability rates to selected organisms, expose to both reference and control materials.

What number of species that occur in the Long Island Sound have been exposed to control materials? Is there test animals? Have marine mammals been exposed to toxicity tests been evaluated? The discussion on the potential impacts on the American Lobster is deficient in the PEIS? The PEIS identifies lobsters for testing were harvested in the year 2000, fifteen years ago. Have there been curren in-depth and scientific analysis on the effect of open water dredge spoil on this species?

It is concerning that the US EPA, the evaluation of dredged material proposed for discharge in waters of the US Testing Manual, Inland testing manual was created in 1998. It's a seventeen year old document.

Were these manuals used for testing? We also have concerns over exposure and ecological and human health.

The document states that the testing results are evaluated and determine the risk of exposure to ecological and human health. Dredge material that is determined through the testing protocols to pose unacceptable risk to humans or ecological ~~results that are~~ health is deemed suitable for ocean placement.

These findings may be accompanied by placement management requirements.

The above narrative specifies an unacceptable risk to humans or ecological health. Is there an acceptable risk to contaminants in sediments? If so, what are the maximum ~~levels of~~ contaminants levels of risk? What are the placement management requirements? Concerns on impacts ~~on~~ for smaller dredging projects, the materials from 214 of the document. Materials from these smaller dredging projects ~~have potential for~~ that exhibit adverse impacts might sometimes still be placed in open water, ~~on the~~ under CWA, with proper placement management.

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The action we believe, by segmentomg, small projects, segments the NEPA process using cubic yards, which is 25,000 cubic yards under 25,000 as a quantifying threshold without addressing cumulative adverse impacts on multiple events. According to the CEQ regulations, agencies are required, for environmental review purposes to consider connected actions, which are defined as proposed actions that automatically trigger other actions which may require environmental impact statements, can not or will not proceed unless these actions taken previously or simultaneously.

This concern is justified by the following narrative. I won't read that section of the document, it's rather wordy. What I'm going to raise is also, failure to assess impacts on marine mammals, DEIS and DDMP, grossly fails to assess potential adverse impacts on large breed mammals. Porpoise and whales and Long Island Sound in their habitat.

Multiple sightings of these have been

confirmed in the Long Island Sound, including PODS and Calves. Humpback Whales have been observed, multiple articles are available describing the sightings.

Has the potential adverse impacts on marine mammals, porpoise and whale species, been discussed or assessed? What are the acceptable impacts on Federally protected species? Can the statement, however dredging related impacts are not expected to be significant to be compared to impacts associated with climate change stated above, clarified impacts ~~related~~ to Federally managed species.

I want to comment on concerns regarding alternatives. The list of potential alternative sites for small and non-Federal projects include 75 beaches, 30 concrete and asphalt plants, 16 potential de-watering sites. These alternatives are not being evaluated with the ~~PEIS~~. Could it be clarified that these alternatives are not being evaluated?

NEPA requires a hard look at all the

alternatives. As discussed at past public hearings, clean sand and other suitable material is valuable to mitigate storm impacts and damage. Is it recommended that the stockpiling alternative section be broadened for beneficial use?

Have I hit five yet? I'm probably closing in on seven.

MS. BROCHI: Yes.

MR. RUSSELL: General comments, I will skip all the other things. We are submitting written commentary on this thing. The Town of Southold strongly supports the Army Corps of Engineers goal of eliminating ~~need for~~ the open water placement of dredge ~~materials~~ of. The Southold Town Board is also opposed to continued disposal of dredged spoil in open waters of Long Island Sound based on insufficient or incomplete information as identified in the ~~DEMP~~ DDMP and the ~~FEIS~~ PEIS on potential adverse impacts of the action. To continue the safe navigation of our water bodies is paramount to our region, and dredging is necessary to preserve these.

However, the right to clean waters, a safe food supply, viable jobs and quality recreation, tourism experiences are also paramount, and the citizens of Southold Town and New York State deserve no less. Thank you.

MS. BROCHI: Thank you. Mark Woolly, Congressman Zeldin's Office. I apologize for not saying that correctly the first time around.

MR. WOOLLEY: It's okay. Thank you. I do appreciate the opportunity to speak to you today on behalf of Congressman Lee Zeldin, who represents the First Congressional District.

Before I get into his official comment on this, I just want to say for a moment as someone who grew up on the North Fork, and at an event today, totally unrelated to this event, which I ran into a woman who was from the Town of Southold. She said to me, are you going today and I said, yes. She asked if I'd be going tonight and I said I have a dental appointment, almost likening it

to something like this.

She said she feels like she's assaulted everyday that she wakes up on the North Fork of Southold. It's big trucks and helicopters and now it's this. We're keeping the big trucks off, we have a plan to go ahead and try to re-route the helicopters off the North Fork to the South Fork. We're working at it. This is something different. This is another way for people to wake up and feel that they are assaulted. It's their way of life out here. It's our way of life on the East End.

So, I'm really here to reiterate and re-enforce the position of Congressman Zeldin on this important issue. Stringent EPA testing must be performed on all dredged waste to ensure that material will not harm the environment into which it is placed.

Long Island Sound can not be a dumping ground for any questionable waste dredged out of Connecticut rivers, and that includes the area that EPA has designated near Fishers Island, Town of Southold.

Congressman Zeldin supports phasing out

all open water disposal of dredge waste in the Long Island Sound. More needs to be done to speed up this process, not less.

Today's hearings should be a time for as EPA to listen to the concerns of East End residents, and officials, but also an opportunity to incorporate their comments to a final rule that protects Long Island Sound for generations to come.

In closing, this was from Congressman Zeldin. In closing, it's important to really hear these folks because they are the ones who are from here, and that live with this all the time, and they're doing their best to protect their way of life. I'm going to continue to work with them until it gets done. Thank you very much.

MS. BROCHI: Thank you. Adrianne Esposito.

MS. ESPOSITO: See what happened? Mark testified and the whole thing just fell apart.

[INDICATING MICROPHONE]

Thank you very much. My name is Adrianne

Esposito, I'm the Executive Director for Citizen's Campaign for the Environment.

Let me start out by saying, as you know we've been engaged in this issue for over a decade now, for fourteen years, but who's counting. I just have to say, I came to a an environmental Ground Hog Day. We keep coming here and saying that we're adamantly opposed. The public comes, elected officials, from Federal to State, to County to Town all come, and they all keep saying they're opposed and yet the Army Corps keeps telling us how comfortable they are with this. He keeps telling us why it's okay and the EPA is fine with it also.

So, I'm going to testify today but I want to say I'm doing it under protest, because honestly you haven't changed a thing really in twelve years. We are dramatically disappointed in the EPA, and we are still hoping for better. That is why we are once again to testify once again.

I'm going to make five points here. 1) Again, we do not see any goals established

in this plan for the reduction and reuse of dredged materials. Happy to hear about the establishment of the Long Island Sound RDT or Regional Dredge Task Force. That's great but one of the things that's not included in the RDT was the establishment of goals for reduction.

As you know, assessing alternatives, discussing alternatives doesn't necessarily lead to the implementation of alternatives. The RDT needs to have as part of their mandate, establishing goals for reduction. I don't just mean reduction of goals for disposal into Long Island Sound because that could just be attributable to less dredging. I mean goals that would be advancing beneficial reuse and upland disposal, and the other things.

The second thing is, it was unusual and disturbing to see Niantic Bay as being part of this potential site. I know that you dismiss it, but I don't even know why it was mentioned. Niantic Bay, the EPA well knows has been identified in the Long Island Sound

plan as being in need of restoration, that it receives more than its fair share of thermal pollution from the ~~Mill Stone~~ Millstone Nuclear Plant, and also the because of the Mill Stone's open loop system, millions of gallons of water are drawn out of Niantic Bay each and every year, causing a depletion ~~of~~ in winter flounder, and other fin fish and shellfish.

So, the Bay has been identified for that reason, for restoration. It was used from 1969 to 1972 as dredge dumping site. I don't know why it's being discussed. It should be off the table. It should have never been in the room in the first place. We ask you to just eliminate that.

The second thing is Cornfield Shoals, happy to hear that could potentially be closing, as it should. It's been listed for years as a high dispersement site. As you saw from the overheads here, you couldn't even see where the dredge material had gone, which means it's gone to multiple places.

Last, New London site. We're now

renaming it the Eastern Long Island Site. There were some very curious things in the draft EIS. The first thing is that it recognizes, the draft EIS, that Eastern Long Island Sound is one of the most biologically diverse and productive segments of Long Island Sound. In fact, this area is considered an essential fish habitat, as designated by the DEC and the EPA.

So, on one hand it's an essential fish habitat, and that definition says that these waters provide necessary breeding ground, feeding ground, nursery grounds, for fish to survive and mature, and then it lists fifteen fish, including the ever dwindling Winter Flounder, and other important key fish as the Atlantic Salmon, the Spanish Mackerel, the King Mackerel, Sand Tiger Sharks and Dusky Sharks and much more.

Well, if it's such an essential fish habitat, the plan goes on to say, even though you want to increase dumping from 8.9 million cubic yards, which has already occurred, to 22.6 over the next thirty years, a

tripling, and says it's going to have no impact. It's an essential fish habitat, fifteen fish identified. It claims that there will be no adverse impact, and everything is okay.

The document also claims that even though it's an essential fish habitat, you found only one commercial fisherman that fishes that area. I've got to tell you, I'm just not buying that. That is impossible in the Long Island Sound. Where there's fish they will come. If you only found one guy, it's because you didn't look. There are way more. The competition is heavy. The competition is fierce to get those fish, and to survive for the survival of the commercial and recreational fisherman. I have to believe that due diligence was not done in that area there.

Last, we're going to very respectfully, once again, and as we have done for every year for fourteen years, respectfully disagree with the Army Corps of Engineers that this material is not toxic.

Of course it is. Okay. Taking materials from the mouths of rivers, which we agree that dredging needs to be done, but that material is run-off. It does contain trace amounts of heavy metals, trace amounts of pesticides, trace amounts of volatile chemicals. It contains these contaminants, and dumping it into the open water column puts it once again into the eco-system. and puts it once again into the food web.

So, we know that the Army Corps is comfortable with this, as was repeated several times today. We are not comfortable with this. In fact, we spent thirty years fighting against contaminants going into the Long Island Sound. We would appreciate if the EPA would have the same position as well.

So, having said all that, I'm sure my time is up, but I'm sad to say, after twelve years, you know, Long Island Sound looks like it's going to have three permanent dump sites.

We went backwards. We didn't go forward. In the whole northeast there's six open water

disposal sites, for the entire northeast. Long Island Sound has three more. It's disproportionate, and it is not helping the Long Island Sound's recovery.

Thank you for the opportunity to come in.

MS. BROCHI: Thank you. Is there anybody who would like to comment that did not sign up or register? Identify yourself and your organization, or affiliation.

MR. GRAVES: Thank you for the chance to comment and thank you for coming down. My name is Anthony Graves, and I'm representing Supervisor Edward Romaine, of the Town of Brookhaven.

A few comments, the limits placed on the site screening appear arbitrary. It seems to be one of a set of arbitrary limits that lead to inevitably to the conclusion to continue the open water dumping. That appears to be part of the original that say, pre 2005 agreement between the governors of Connecticut and New York to

try to minimize dumping in the Long Island Sound. It's a continuation of the process that Army Corps has used all along. So, we can't see that there's been any change.

There doesn't seem to be any special attempt to limit sediment inputs into the systems that are driving the need for dredging these harbors and waterways in the first place, and we think that to really protect the Sound, to have some kind of special regulations that reduce the amount of sediment that was shown, for instance, the slide of, I believe it was Hurricane Irene, where you have a gigantic plume coming out of the Connecticut River. We think that some kind of special provision to limit the inputs to the harbors to begin with would be a very good way to make sure that the Sound is not being used for dumping fifty years from now.

Again, we think the process has been flawed from the outset. It really appears that the economics have been the driver, and for instance the box that limits the dredge

site, instead of being screened, appears way too small. If we used a process similar to the West Coast, where you have sites that are far off shore, the economics would be very very different, and a host of alternatives to open water dumping would all of a sudden become feasible.

Again, thank you for the chance to comment.

MS. BROCHI: Thank you. Please approach.

MS. PURNELL: Good afternoon. My name is Margret Purnell. I'm here today as a Southold property owner. I've been involved in this, dredge material disposal issue, probably since the mid-1980's. This is really and example of the definition of insanity because we continue to go through this again, and again and again, and for many members of the public and the environmental community, we keep on hoping for a different result. But we're back at the same place again.

With regard to New London, New London was

first used sporadically in the 50's after the Navy tried to do some upland disposal on the sub-base, and it peeled the paint off the walls, and it turned the white paint yellow and they decided they were going to be pretty much be putting most of the materials in the open water.

With regard to the Tripe submarines, there was litigation that ensued, and the settlement for that litigation directed the agencies to look for alternatives, for viable alternatives, for dredge material disposal. Here we are forty years later, and we're still dealing with this.

I have to say it is really discouraging because we really had an opportunity here, and the agencies had an opportunity. We have a lot better in technology. We've got great GIS information and granted it appears with this particular draft EIS, that you really didn't cross the T's and dot the I's, in terms of the data collection. You just let the work that was done for Western Long Island and Central Long Island sort of carry

the day, when in reality a lot of that information was absent for the Eastern portion of the Sound, and that was after you reduced the zone of site of feasibility.

I haven't had the opportunity, I've worked with a number of different organizations. For twenty years I was with Fishers Island Conservancy, working on this. I have also represented Connecticut Watershed Groups, as we have looked at the Dredged Material Management Plan, and I have to say that it's really discouraging because, if you actually designated an open water site, everyone would clamber to use it because it is by far the cheapest way of disposing of the material. No one really wants to make the hard choices, and no one really wants to. There has to be a paradigm shift of how we look at this material. We've always talked about source reduction and limiting the source reduction, both in the volume of sediment as well as the contamination level.

I will take exception to commentary that

you don't put contaminated materials or toxic material into the Sound, because it happens. It's just not acutely toxic according to the various bio-assessments that you all use, on little tiny critters and plants and worms. That is really not representative. The chronic toxicity is there. DAMOS reports will show, and a number of different DAMOS reports will show, dredged material found outside of the disposal sites, there will be indications of sections that aren't recovering. You don't go back to the same area and test it the following year. It's usually tested a number of years afterwards.

The whole thing is really quite discouraging. In terms of, I guess what the lastly what I will say, I'm submitting written comments and they will certainly be more cogent. But the actual area, you know, in reconfiguring the New London dump site into the Eastern Long Island -- whatever you're going to call it. You're enlarging it and you're shifting it.

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So, what that translates to -- New London was moved once before, and was shifted up into the northwest a little bit to sort of get it out of your New York State waters, a little bit more out of New York State waters.

Both New London, Central Long Island, Western Long Island -- I mean in Western Long Island, the dump site or the outline was moved so there's a huge sloth of area where dredge material was indeed disposed. I can tell you that, you know, Fishers, when material is being disposed of, we get fine grained sandy sediment that comes up on our North Shore.

Our North Western Shore, we got a little beach there, where little kids play and little kids wading around. I don't have kids but I feel for them. I feel for them and I feel for the people that eat the fish, and eat the creatures that are bio-accumulating the materials we are putting in the Sound and we spend hundreds of millions of dollars to restore these areas. And then you look at

someplace, a beautiful place with the potential, like Plum Island, that has the potential of possibly being a reserve and yet we're going to be putting this contaminated material in the Sound immediately adjacent to the race.

I remember the Seawolf and I can't remember if it was Pier 15, 17 or if it was Seawolf, but the original fine grain, when the material went down, it went back to go find it before they actually kept it, 33 percent of the material was gone.

I dispute that New London is a full containment site. You know, I will grant that some of the material that actually does reach the bottom, tends to stay there, though there's still movement. The currents are strong, and things get moved around. It's not clear what actually there. There are relic lumps and things, that is true, but a lot of the material is all over the Sound.

You know, New London's had enough. I think forty years, fifty, sixty years of putting this stuff down there, it's enough.

It's a very, for Long Island Sound, we've actually -- Because there has been less sediment disposal and the fine grained materials in particular, we've had a come back of our eel grass beds, we've had many more marine mammals. The seals are hauling out all over the rocks that are offshore, even some that are on-shore on Fishers Island. You know, it's just really discouraging that this is going to start up again. Thank you and I will submit written comments.

MS. BROCHI: Thank you. Are there any further comments? Please approach.

MR. McCALLISTER: Good afternoon. My name is Kevin McCallister. I'm the founding president of Defend H2O. I'm a marine scientist by academic and professional training. My experience spans approximately thirty years. I've worked in government, consultancy in the Non-For-Profit sector.

I've been speaking to this, I don't know what public hearing, or comments that I will provide today. I don't know what number that

is. I will tell you that back in 2005, I really thought this program was ~~getting~~ dead on arrival. It was a public hearing in Port Jefferson, then US Congressman Tim Bishop, spoke. Ms. Esposito was there. Ultimately the sentiment from the community from Long Island was very strong and really ~~though~~ thought this was gone.

Let me speak to process here, because having contributed to EIS's Environmental Impact Statement, written environmental regulations for water resources, coastal resources, protection in the consulting end, developing mitigation plans. There's a process here. I'm not trying to be disrespectful but I will call this ultimately a bit of a game in process. Ultimately the technical analysis that's been done and presented, and I recall sitting in this room in December, ultimately with speaking about the disposal, a bit on the fluid dynamics, you know, very deep science if you will.

We went onto, I think there's absence in the biological analysis.

You've had a myriad of public meetings on both sides. This has been really zipped up really nicely. There's very little opportunity,or I'll say, ability to contend the findings here. I'm going to bring you back to a little bit of reality, and certainly in my experience, having worked in the time of dredging, both on the permitting side, pulling ~~the~~ permits, and then monitoring these operations. We are talking about depositional sites. These river mouths and the harbors that you're talking about, there's commentary or presentation on assurances of the toxicity. These are sinks. The storm water discharge into these areas, these rivers extending many miles up in northern lands with industrial uses on these rivers.

Again, anyone that knows dredging knows that at a minimum we're talking mud, unless there's episodic events, such as Hurricane Sandy, where all of a sudden a marine base perhaps has ~~course~~ coarse sand in it. What you will be bringing out there is in fact mud.

It's very likely there's toxicity in these sediments.

There were comments earlier about the frequency of the testing. It doesn't seem as though that will be responsive to what I'll call the pulses of water coming down in storm events, delivering toxicity to said sediments. This is in fact the easy way out, and again, you've sealed it up very nicely.

So, it's very difficult for the community, without a myriad of other scientists, and legal actions, quite frankly, to challenge this. But at the end of the day, this is an economic decision to ultimately dispose of questionable sediments at a minimum, get~~ting~~ back to, turbidity problems and water quality problems, just by the mere fact this is mud disposal. It's being done so because of costs, and ultimately, the term was unreasonable degradation. That's a very ambiguous term, if you will. All I can do is express the opposition that you've heard widely, certainly from New York State, and

disappointment, but also recognition that, you know this train, perhaps left the station a long time ago. Maybe in Port Jefferson, back, I think it was in, roughly in 2005.

It doesn't reflect well on EPA. It doesn't reflect well on the US Army Corps. An estuary of national significance with all the pressures and threats this water body. This is just another insult that, quite frankly, that there doesn't have to be the investment of dollars to do an alternative disposal of this material. Thank you.

MS. BROCHI: Thank you. Are there any additional comments?

[THERE WAS NO RESPONSE]

Again, I'd like to thank you for commenting. I'd like to remind everybody, please send in written comments. We will be responding to the comments in a document with the final decision.

I want to thank Sarah Anker. She requested at one of the public hearings that we have a webinar and have an educational

webinar on dredge material and it was the Corps Region 1 and Region 2. We'd be happy to do that again if you would like webinars, to talk about different aspects of the process.

Again, June 27th is the comment period and I thank you very very much for your time.

[WHEREUPON HEARING WAS CLOSED]

[TIME NOTED: 3:00 P.M.]

CERTIFICATION

COUNTY OF SUFFOLK)
SS:
STATE OF NEW YORK)

I, Charmaine DeRosa, Certified Court Reporter, in the State of New York, do hereby certify :

THAT, the foregoing is a true and accurate transcript of my stenographic notes,taken in the matter of the PUBLIC HEARING, on this 25th of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of May, 2016.

_____

Charmaine DeRosa, CSR